

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:07CR339
vs.)
LAWRENCE RAY COOK,)
Defendant.) ORDER

This matter is before the court on the motion to continue the trial scheduled for February 11, 2008, for a period of sixty days in order to obtain a psychiatric evaluation to determine whether defendant Lawrence Cook (Cook) is competent to stand trial (Filing No. 36-Sealed). Cook's counsel also requests the court schedule a competency hearing. Upon consideration, the motion will be granted, in part.

IT IS ORDERED:

1. Cook's motion to continue trial (Filing No. 36-Sealed) is granted to the extent that Cook shall have until March 21, 2008, in which to obtain a psychiatric evaluation.
2. The trial of this matter scheduled for February 11, 2008, before Chief Judge Joseph F. Bataillon and a jury is cancelled. Trial will be rescheduled following the determination of the competency hearing set forth below.
3. A competency hearing pursuant to 18 U.S.C. § 4247(d) will be held before Magistrate Judge Thomas D. Thalken in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on March 27, 2008.**
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 7, 2008 and March 27, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that the additional time is required to examine the defendant and to determine his mental competency to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(A).

DATED this 7th day of February, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge